



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,062	07/12/2001	Uday P. Nadkarni	P21,411-B USA	8050

7590 03/01/2005

Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application, or proceeding.

Office Action Summary

Application No.

09/904,062

Applicant(s)

NADKARNI, UDAY P.

Examiner

Frantz Coby

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2161

This is in response to applicant's request for consideration filed on October 12, 2002 in which claims 21-39 are presenting for examination.

Applicant's arguments filed on the aforementioned date have been fully considered but they are not persuasive. Therefore, the rejections of claims 21-39 under 35 U.S.C. 102(e) based on U.S. Patent No. 5,832,497 issued to Taylor, and alternatively, on U.S. Patent No. 5,758,324 issued to Hartman et al. mailed on May 07, 2004 remains.

Status of Claims

Claims 21-39 are pending.

Drawings

The drawings filed, on February 04, 2002 are accepted by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor U.S. Patent no. 5,832,497.

As per claim 21, Taylor discloses in Col. 1-Col. 7 "A method of exchanging employment information, said method comprising the following steps: (a) configuring a search query by prompting a user to specify parameters in one or more predetermined fields; (b) searching a database using said search query containing said parameters in one or more predetermined fields; and (c) outputting results of the search" by providing a computer implemented information exchange and management system for network operation - includes iterative database query engine that is connected to memory and processing controller to permit initial search and subsequent search. The system of Taylor includes database (105) of personal information, which is stored in electronically readable memory. Another database (103) of position information is stored in electronically readable memory. The database (103) is the job database containing several job records with search key fields. The database (105) is a resume database comprised by several records containing information suitable for employment applications. A communication port (102) transmits and receives data and instructions in the form of electrical signals to and from the remote computers. A database manager, creates and revises records of the database connected to the memory, in response to remote computer. An iterative database query engine (106) is connected to the memory and is configured to permit an initial search and one subsequent search. The subsequent search is performed on results of the initial search. The iterative database query engine includes searching unit for searching on several searches key fields of

Art Unit: 2161

database for satisfying one or more conditions. A reporting unit for reporting all variables in search key fields of record for satisfying one or more conditions is provided. A processing controller (101) is connected to the database manager, iterative database query engine and the communication port. A relating unit relates the record of the database (105) to record of database (103). An accounting system (107) is connected to the processing controller. In particular, the System of Taylor is used for posting job advertisement and managing application and submission of resumes, application letter and other relevant information. Further, the system of Taylor facilitates creation of resume record and designation of resume record for accessible resume base or selected job record and permits query resume base to identify recruitment candidates for job positions. Eases interaction and permits rapid response.

As per claims 22-39, all the limitations of these claims have been addressed in the rejection of claim 21 as summarized above. They are therefore rejected as set forth above.

Claims 21-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. U.S. Patent no. 5,758,324.

As per claims 21-39, Hartman et al. discloses in Col. 3-Col. 13 "A method of exchanging employment information, said method comprising the following steps: (a) configuring a search query by prompting a user to specify parameters in one or more predetermined fields; (b) searching a database using said search query containing said

Art Unit: 2161

parameters in one or more predetermined fields; and (c) outputting results of the search" by providing a resume storage and retrieval system using client server technique, the system has database in which resume information along with graphical file is stored which is searched in response to search request output by employer client machine. The system (10) includes an applicant client machine (26), which performs selective communication with a server (12). Resume form with number of fields relevant to employment is stored. The applicant selectively fills out the fields, the resume forms, using the typical information. Then, the completed resume is memorized by the client machine and transmitted it to the server. The transmitted information also includes graphics file that comprises formatting for pictorial information. The server receives the resume information and stores it in the database (16). Also, Hartman et al. provides an employer client machine, which is selectively communicated with the server, which selectively outputs search request to the server according to the search request the memorized resume information is searched with the help of keywords. The keyword includes some predetermined search parameter. After completion of the searching the server links with employer client machine and transmits memorized information that satisfies the search parameters. The server also transmits query request to employer client machine whether the transmitter graphics files of resume satisfy the search parameters. One advantages of Hartman et al. system is that it improves search efficiently and greatly.

As per claims 22-39, all the limitations of these claims have been addressed in the rejection of claim 21 as summarized above. They are therefore rejected as set forth above.

Remarks

The examiner acknowledges applicant's remarks that "Taylor and Hartman, the applicant respectfully submits that neither reference is prior art under 35 U.S.C. 102. More specifically, as set forth in the attached 37 C.F.R. 1.131 declaration, I inventor Uday Nadkarni made his invention prior to August 10, 1995, which is the effective date of Taylor and well before the effective date of Hartman (December 15, 1995). Accordingly, neither reference can support a rejection under 102(e), thereby eliminating the Examiner's grounds for rejecting the claims. The claims should therefore be in condition for allowance" wherein Applicants provide a as exhibit A, a 1.131 Declaration, Exhibit B a window printout entitled "Query1 for Computer Software", Exhibit C a window printout entitled "Resume Table-Run 1" and Exhibit D a window printout entitled "Resumes-Run 1".

It is noted, however, applicants fail to specifically point out or map specific portions that correspond to specific limitations of the pending claims 21-39 in the applicants' submitted window printouts of Exhibits A-D. In 37 CFR 1.131(b) "The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the reduction to practice or to the filing of the application. Original exhibits of drawings

or records, or photocopies thereof, must accompany and from of the affidavit or declaration or their absence satisfactorily explained. (See M.E.P. 715). For instance every claim limitations independent as well as dependent must have specifics that correspond to specific part of the Applicant's Printouts in Exhibits A-D. If the Applicants believe that the invention as claimed is described in the Applicants' Exhibits as indicated in the declaration, an indication as to where the cited claims language are taught in the portion of the Applicants' Exhibits B-D would not be so difficult to show.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2161

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantz Coby
Primary Examiner
Art Unit 2171

February 21, 2005